

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

IN RE: FTX CRYPTOCURRENCY  
EXCHANGE COLLAPSE LITIGATION

Case No. 1:23-md-03076-KMM

MDL No. 3076

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This Document Relates To:

*Garrison v. Bankman-Fried,*  
No. 22-cv-23753-KMM

*Garrison v. Paffrath,*  
No. 1:23-cv-21023-KMM

*Norris v. Brady,*  
No. 23-cv-20439-KMM

*Podalsky v. Bankman-Fried*  
No. 1:22-cv-23983-KMM

*Garrison v. Golden State Warriors,*  
No. 1:23-cv-23084-KMM

*Lam v. Bankman-Fried,*  
No. 1:23-cv-22195-KMM

*Garrison v. Osaka,*  
No. 1:23-cv-23064-KMM

*Garrison et al. v. Furia Esports LLC et al.,*  
No. 1:24-cv-20895-RS

*Garrison et al. v. Lincoln Holdings LLC,*  
No. 1:24-cv-00655-JMC

*Garrison et al. v. Mercedes-Benz Grand Prix  
Limited (d/b/a Mercedes-AMG Petronas  
Formula One Team),*  
No. 1:23-cv-24480-JEM

*Garrison v. Office of The Commissioner of  
Baseball d/b/a Major League Baseball,  
No. 1:23-cv-24479-KMM*

*Garrison v. Riot Games, Inc.,  
No. 1:24-cv-21296-KMM*

*Garrison v. Wasserman Media Group, LLC  
and Dentsu McGarry Bowen LLC,  
No. 23-cv-24478-KMM*

**S&E DEFENDANTS' MOTION TO EXTEND RESPONSE DEADLINE AND TO SET A  
BRIEFING SCHEDULE ON S&E DEFENDANTS' FORTHCOMING MOTION TO  
DISMISS**

Defendants Thomas Brady, Gisele Bündchen, Lawrence David, Kevin O’Leary, Udonis Haslem, David Ortiz, Stephen Curry, Golden State Warriors, LLC, Shohei Ohtani, Naomi Osaka, and Solomid Corporation d/b/a Team Solomid, TSM and/or TSM FTX, Lincoln Holdings LLC, Furia Esports LLC, Furiagg, Corp., Furia Experience LLC, Mercedes-Benz Grand Prix Limited, Dentsu McGarry Bowen LLC, Wasserman Media Group, LLC, Riot Games, Inc., North America League of Legends Championship Series LLC, Major League Baseball Properties, Inc., MLB Advanced Media, L.P., The MLB Network, LLC, MLB Players, Inc., and The Office of the Commissioner of Baseball (collectively, the “S&E Defendants”), by and through undersigned counsel, respectfully submit this motion to seek an order from this Court granting an extension of time to respond to Plaintiffs’ Amended Administrative Class Action Complaint and Demand for Jury Trial (the “Amended Complaint”) and setting an extended briefing schedule concerning the S&E Defendants’ response to the Amended Complaint, which may include a consolidated motion to dismiss (based on failure to state a claim in a number of respects and/or mootness of claims

based on Plaintiffs' recoveries from the FTX bankruptcy), and/or a motion to compel arbitration.<sup>1</sup> ECF No. 908.

The S&E Defendants request until July 27, 2025 (60 days from the Amended Complaint's filing) to respond to Plaintiffs' Amended Complaint; and that the Court order Plaintiffs to file a response to any motion on or before September 25, 2025, and for the S&E Defendants to file any reply within 45 days of Plaintiffs' response. Plaintiffs oppose this Motion.

## I. BACKGROUND

A subset of the current set of S&E Defendants previously moved collectively to dismiss Plaintiffs' prior complaint against them. ECF No. 271. On May 7, 2025, the Court granted in part and denied in part that Motion to Dismiss, dismissing 12 of 14 claims without prejudice. ECF No. 890. On May 19, 2025, the Court instructed Plaintiffs to file an Amended Complaint on or before May 28, 2025, and to join in that Amended Complaint fourteen additional defendants who had not been part of the prior complaint or joined the prior Motion to Dismiss. *See* ECF No. 900 at 4.<sup>2</sup> On May, 28, 2025, Plaintiffs filed the Amended Complaint. ECF No. 908. Under the Federal Rules of Civil Procedure, the S&E Defendants' current deadline to respond to the Amended Complaint is June 11, 2025. *See* Fed. R. Civ. P. 15(a)(3).<sup>3</sup> On June 2, 2025, Plaintiffs filed a

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<sup>1</sup> The S&E Defendants do not know which agreements Plaintiffs signed with FTX, but based on publicly available information it appears one or more Plaintiffs may be bound to arbitrate the claims. The S&E Defendants reserve all rights to move to compel arbitration.

<sup>2</sup> The new S&E Defendants are Lincoln Holdings LLC, Furia Esports LLC, Furiagg, Corp., Furia Experience LLC, Mercedes-Benz Grand Prix Limited, Dentsu McGarry Bowen LLC, Wasserman Media Group, LLC, Riot Games, Inc., North America League of Legends Championship Series LLC, Major League Baseball Properties, Inc., MLB Advanced Media, L.P., The MLB Network, LLC, MLB Players, Inc., and The Office of the Commissioner of Baseball.

<sup>3</sup> Plaintiffs' current deadline to respond to the S&E Defendants' anticipated motion to dismiss the Amended Complaint is therefore June 25, 2025, and the S&E Defendants' deadline to file a reply is July 2, 2025. *See* S.D. Fla. L.R. 7.1(c).

Motion to Lift Discovery Stay, Enter Protective Order, and Adopt Proposed Case Management Schedule. ECF No. 916. The Court had ordered the parties to confer and submit a joint protective order and proposed case management order. ECF No. 900. Nevertheless, while the parties were still conferring, Plaintiffs filed their own proposed protective order and case management order unilaterally. The S&E Defendants will continue to attempt to confer with Plaintiffs to determine whether any matters raised in that motion may be addressed without the Court's intervention. If the parties cannot reach an agreement, the S&E Defendants will include proposed modifications to the draft protective order and scheduling order submitted by Plaintiffs when they respond to Plaintiffs' Motion to Lift Discovery Stay on June 16, 2025. *See* ECF No. 900 (setting briefing schedule). The S&E Defendants request that the Court not enter a protective order or case management order until the S&E Defendants have had an opportunity to respond to Plaintiffs' motion.

The S&E Defendants file this separate motion in light of the immediate deadline otherwise in place for the S&E Defendants to respond to the Amended Complaint.

## **II. BASIS FOR RELIEF**

The request of 60 days for the S&E Defendants to respond to the Amended Complaint is reasonable, and is only 15 days later than the deadline proposed by Plaintiffs. *See* ECF No. 916. The request for 45 days for the S&E Defendants to file a reply in support of any opposition filed by Plaintiffs is also reasonable. The Amended Complaint is 514 pages long (not including exhibits). As noted above, it adds 14 new S&E Defendants, and includes a total of 25 S&E Defendants. ECF No. 908. By comparison, the prior Administrative Class Action Complaint was 309 pages (not including exhibits). *See* ECF No. 179. In order to respond to the Amended Complaint, the 25 S&E Defendants will need to coordinate across twelve law firms—which is a time-intensive process, particularly given the unique factual allegations for each S&E Defendant.

*See generally* ECF No. 908. Coordination will require drafting a single brief that addresses disparate factual circumstances spanning from statements made over social media, to billboards at sports games, to advertisements made over television, to live events sponsored by FTX. *See generally* ECF No. 908 ¶¶ 305-1177.

The page length, structure, and content, of the Amended Complaint also provide good cause for an extension. The 514 pages includes dozens of paragraphs of legal argument to distract from the deficiencies in the Amended Complaint and the fact that Plaintiffs have been compensated through the FTX bankruptcy. These irrelevant allegations include, for example, allegations regarding cryptocurrencies that Plaintiffs do not allege they even purchased (*see* Am. Compl. ¶¶ 43-47, 232-278), several paragraphs regarding allegations that Plaintiffs will not make a full recovery in the bankruptcy (*see* Am. Compl. ¶¶ 1203-1213), new allegations regarding the supposed efficacy of the promoters' advertisements (*see* Am. Compl. ¶¶ 325-339), and paragraphs dedicated solely to other cryptocurrency related issues that have nothing to do with this case, such as cryptocurrency use in North Korea (*see* Am. Compl. ¶¶ 224-231). All of these allegations are incorporated into each count. Am. Compl. ¶¶ 1232, 1240, 1252 (each incorporating all preceding allegations into each respective count).<sup>4</sup> This convoluted manner of pleading makes responding to the Amended Complaint enormously difficult and necessitates an extended briefing schedule to adequately address the allegations in the Amended Complaint.

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<sup>4</sup> This manner of pleading has been deemed an improper shotgun pleading and underscores the difficult the S&E Defendants will have in responding. *Barmapov v. Amual*, 986 F.3d 1321, 1324 (11th Cir. 2021) (upholding dismissal of shotgun pleading where “the second amended complaint indiscriminately incorporates and repeats 249 numbered paragraphs of factual allegations—spanning 50 pages—into nine of the 19 counts, without any effort to connect or separate which of those 249 factual allegations relate to a particular count.”).

This is the S&E Defendants' first request for an extension of these deadlines, and the extension is not sought for the purpose of delay. Accordingly, the S&E Defendants propose that the Court: (1) set July 27, 2025, as the date for the S&E Defendants' to respond to the Amended Complaint, in a manner consistent with the briefing requirements previously set by the Court at ECF No. 216, (2) set September 25, 2025 as the date for Plaintiffs to respond to any motion filed by the S&E Defendants in response to the Amended Complaint; and (3) grant the S&E Defendants' 45 days from the date of Plaintiffs' response to file a reply.

On June 2, 2025, attorney Jessica Stebbins Bina, counsel of record for Thomas Brady, Gisele Bündchen, Lawrence David, Lincoln Holdings LLC, Furia Esports LLC, Furiagg, Corp., Furia Experience LLC, and Mercedes-Benz Grand Prix Limited, contacted Plaintiffs' counsel Joseph Kaye—who stated that Plaintiffs oppose the relief requested herein.

### III. CONCLUSION

WHEREFORE, the S&E Defendants respectfully request this Court enter an order (i) granting this Motion; (ii) setting July 27, 2025, as the date for S&E Defendants' to respond to the Amended Complaint; (iii) setting September 25, 2025, as the date for Plaintiffs' to file their response to any motion filed by the S&E Defendants; (iv) granting the S&E Defendants 45 days from the filing of Plaintiffs' opposition to file their reply; and (v) granting such further relief as this Court deems just and proper.

Respectfully submitted,

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**FILER ATTESTATION**

I, Roberto Martínez, am the ECF user whose identification and password are being used to file the Motion to Extend the Response Deadline and To Set a Briefing Schedule. Pursuant to the CM/ECF Administrative Procedures, I hereby attest that I have obtained concurrence from the other parties to file this motion and sign it electronically on their behalf.

By: /s/ Roberto Martínez

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 3, 2025, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system, causing a true and correct copy to be served on all counsel of record.

By: /s/ Roberto Martínez